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IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

In Re: §
§ Chapter 11 Proceeding
Galmor's/G&G Steam Service, Inc., §
§ Case No. 18-20210-rlj11
Debtor. §

Galmor's/G&G Steam Service, Inc., §
Plaintiff, §
vs. § Adversary No.
Kirby-Smith Machinery, Inc., §
Defendant. §

**COMPLAINT TO AVOID PREFERENTIAL TRANSFER
PURSUANT TO 11 U.S.C. §§ 547**

Galmor's/G&G Steam Service, Inc. ("Plaintiff" or "Debtor"), states:

1. Plaintiff is debtor-in-possession in this bankruptcy case.
2. Defendant Kirby-Smith Machinery, Inc. ("Defendant") can be served through its registered agent: Len Cason, 201 Robert S. Kerr Avenue, Ste. 1600, Oklahoma City, OK 73102.
3. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157, 1334 and 11 U.S.C. § 542. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(F). This Complaint is filed pursuant to 11 U.S.C. § 547 of the Bankruptcy Code and Bankruptcy Rule 7001 of the Federal Rules of Bankruptcy Procedure.
4. Venue is proper in this district pursuant to 11 U.S.C. § 1409.
5. The records of the above-captioned Defendant indicate that within ninety (90) days prior to June 19, 2018, the date of the filing of the above-captioned case, the Defendant filed an Abstract of Judgment in Wheeler County, Texas related to a judgment rendered in the District Court of Oklahoma

County, State of Oklahoma in Cause No. CJ-2017-7149 on the 4th Day of May, 2018, in Cause No. CJ-2017-7149 on the 4th day of May, 2018, in a cause styled Kirby-Smith Machinery, Inc., an Oklahoma Corporation, vs Galmor's/G & G Steam Services, Inc., a Texas corporation and Michael Stephen Galmor, wherein Kirby-Smith Machinery, Inc. recovered judgment against Galmor's/G & G Steam Services, Inc., and Michael Stephen Galmor in the amount of \$508,797.15, with pre and post judgment interest of 18.00%, and \$401,853.73, with pre and post judgment interest 6 %, and attorney fees of \$5,500.00 and costs of \$575.03. The Abstract of Judgment was filed by the Clerk of Wheeler County, Texas on June 8th, 2018 in Volume 737, pages 798-799 of the Wheeler County, Texas property records.

6. Said transfers were made while the Plaintiff was insolvent. Plaintiff is entitled to the presumption of insolvency for each transfer made during the preference period pursuant to Section 547(f) of the Bankruptcy Code.

7. Said transfers will enable the Defendant to recover more than it would receive as a creditor if: (a) the bankruptcy case were a case under chapter 7 of title 11, United States Code; (b) the transfer had not been made; and (c) the Defendant received recognition of its debts to the extent provided by the provision of said title 11.

8. The transfers constituted transfers of an interest in property of the Plaintiff (Debtor).

9. During the Preference Period, Defendant was a creditor at the time of each Transfer.

10. Each transfer was made for, or on account of, an antecedent debt or debts owed by Debtor to Defendant before such transfers were made.

WHEREFORE, the Plaintiff prays that this Court make its order avoiding the aforesaid preferential transfer, and for such other and further relief as this Court deems just and proper.

Dated: October 22, 2018

Respectfully submitted,

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By: /s/Max R. Tarbox

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